

Applicant: Polly Stecyk
Application No: 10/663,016
Examiner: Junior O. Mendoza
Docket No.: 705397.4005

REMARKS

Claim Rejections – 35 USC 101

Claims 15—21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants have cancelled claims 15—21 without prejudice to reduce issues for future appeal.

Claim Rejections – 35 USC 103

Claims 1-35 are rejected under 35 U.S.C. 103(a) as unpatentable over Thomas (US Patent No. 7,134,130) in view of Johnson et al. (Pub. No. 2004/0078806) and further in view of Rodriguez et al. (Pub. No. 2009/0282428).

The examiner admits in the November 24, 2009 Office Action that Thomas and Johnson fail to disclose or provide a teaching of:

non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications;

a signal impairment mechanism coupled to the second logic unit and configured for, based on the control signal, selectively passing a program signal there through without substantial impairment if the reference time falls outside of each of the two or

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more time range specifications corresponding to the active viewing profile or the content-based indicator does not exceed the content-based specification corresponding to one of the two or more of time range specifications of the active viewing profile within which the reference time falls or passing the program signal there through with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to one of the two or more time range specifications of the active viewing profile within which the reference time falls within as claimed in claim 1, or

non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications;

a signal impairment mechanism coupled to the logic unit and configured for, based on the control signal, selectively passing a program signal there through without substantial impairment if the reference time falls outside of each of the plurality of time range specifications corresponding to the active viewing profiles or the content-based indicator does not exceed the content-based specification corresponding to one of the plurality of time range

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specifications of the active viewing profile within which the reference time falls or passing the program signal there through with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to one of the plurality of time range specifications of the active viewing profile within which the reference time falls within as claimed in claim 22.

The examiner specifically states that:

"[I]t is noted that Thomas and Johnson fail to explicitly disclose different content-based specifications corresponding to each of the two or more time range specifications. "

OA, p. 7.

The examiner refers to paragraphs 0124, 0116 and figure 29C of Rodriguez as providing the teaching to meet the claimed subject matter.

Rodriguez reads at paragraph 0116 as follows:

FIG. 26 depicts a non-limiting example of a block service screen 2600 that may be presented to a user in response to the selection of the block service option 2530 (FIG. 25). Block service menu 2610 includes a program type option 2620, a channel type option 2630, and a channel identity option 2640. The block service options 2620, 2630, and 2640 may be used to configure the DHCT 200 to block selected service instance types, television service types, and television service identities, respectively. In one embodiment, the selection screens that are presented in response to the selection of option 2620, 2630, or 2640 are similar to selection screens 1800 (FIG. 18), 800 (FIG. 8), and 2000 (FIG. 20), respectively. In this manner, a user may block certain television services based on their service instance content, their type, or their identity. The block service screen 2600 may, in another embodiment, contain different and/or additional options such as, for example, an option to block all television services or an option to block television services carrying a certain service instant. Service blocking settings may be implemented continuously or only during certain time

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periods as determined by user input such as, for example, as provided via the screens depicted in FIGS. 9-17.

Rodriguez [0116], emphasis added. Rodriguez reads at paragraph 0124 as follows:

FIG. 29C depicts a non-limiting example of a preference entry screen 2920 that illustrates one possible approach for indicating user preferences. In this example, the preference entry area 2906 includes a promote entry 2921 and a block entry 2922 that reflect user input. The promote entry 2921 indicates that the user's preference is to promote talk show programs 2923 during the 9:00 a.m. to 12:00 p.m. time slot 2924. The block entry 2922 indicates that the user's preference is to block cartoon programs 2925 during the 9:00 a.m. to 12:00 p.m. time slot 2924. In this manner, the user can specify what is to be included and excluded for certain time periods. A television service may be promoted in several ways. For example, a television service may be promoted via an IPG by being listed ahead of other television services and/or by being more conspicuously displayed. A television service may also be promoted by being presented to a user either "automatically" or in response to the DHCT 200 receiving user input (e.g., corresponding to CH +/- key 440) requesting a television service.

Rodriguez [0124], emphasis added.

The Rodriguez system provides a control scheme for censoring media signals based on content and viewing time with no relation to the viewers in the viewing area. A user is able to select the content and viewing time, but not a viewer. This distinction is confirmed by a review of Fig. 29C:

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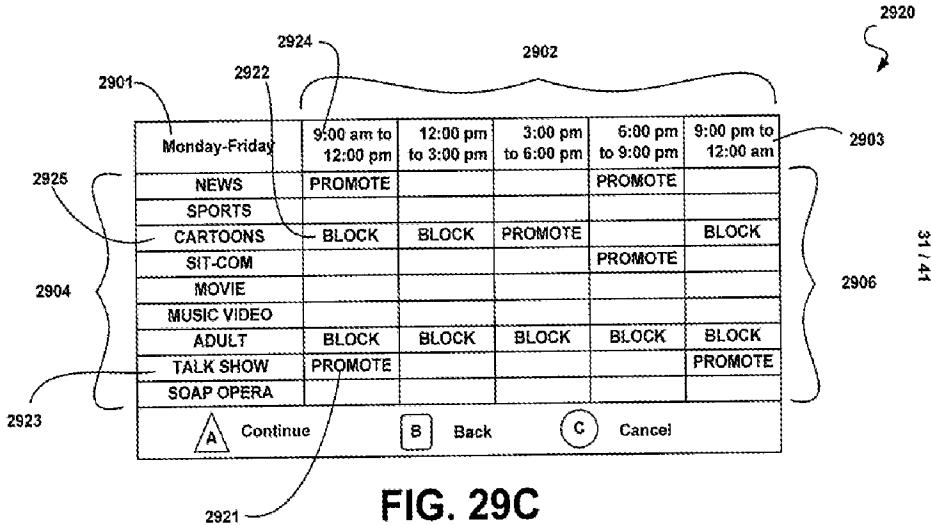


FIG. 29C

If the viewing content is content that is to be blocked during a given time frame, the Rodriguez system will block the program regardless of which viewers are present.

The Thomas system provides a distinctly different control scheme from Rodriguez that enables media signals censoring based on content and viewers present in the viewing area while the Johnson system provided a control scheme that allows censoring of media signals by establishing user profiles based on content and separately based on time. Rodriguez, Thomas and Johnson represent different approaches to media signal censoring. Those skilled in the art would not look to a control scheme based on time to modify a control scheme based on viewers. The only reason for the examiner's suggestion of combining these references appears to be an improper attempt to reconstruct the

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invention of the claims of the subject application. Thus, there is no plausible rationale for one skilled in the art to look to combine these references.

In view of the foregoing, Applicants respectfully submit that Thomas, Johnson and Rodriguez cannot establish a prima facie case of obviousness for independent claims 1 and 22, and claims 2— and 23—35 by virtue of their dependence upon 1 and 22, meet the requirements for patentability under 35 USC 103.

CONCLUSION

Applicants respectfully assert the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,
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